



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 9, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-34717 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: NO RECOMMENDATION

1. Subsection B.2 Table 1 of the Town Center Development Standards Manual, "Permitted Uses - Table 1," is hereby amended as follows:

USES	GC	SC	UC	SX	MS	EC	L	ML	MLA	M	PF
Motor Vehicle Sales (Used)	€ S					€ S					

2. Subsection B.3.B of the Town Center Development Standards Manual, "Conditional Uses - Conditions," is hereby amended as follows:

21) **MOTOR VEHICLE SALES (NEW)**

- a. ~~Motor vehicle sales~~ The use may include an outdoor ~~used car~~ sales lot for Motor Vehicle Sales (Used) when such a lot is operated by a franchised, new car dealer. The used car sales shall be located directly adjacent to the new car sales and service facility and be operated as an incidental use.
- b. The installation and use of an outside public address or bell system is prohibited.
- c. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
- d. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
- e. All accessory services shall be performed inside an enclosed structure.
- f. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
- g. Accessory automobile rental is permitted.
- h. The minimum site area shall be 25,000 square feet.
- i. Parking of vehicles in landscaped areas is prohibited.

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- ~~22) MOTOR VEHICLE SALES (USED, WITH NEW CAR SALES)~~
- ~~a. The minimum site area shall be 25,000 square feet.~~
 - ~~b. The installation and use of an outside public address or bell system is prohibited.~~
 - ~~c. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.~~
 - ~~d. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.~~
 - ~~e. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.~~
 - ~~f. Accessory automobile rental is permitted.~~
 - ~~g. Parking of vehicles in landscaped areas is prohibited.~~

3. Subsection B.4.B of the Town Center Development Standards Manual, “Special Use Permits – Minimum Requirements,” is hereby amended as follows:

- ##) MOTOR VEHICLE SALES (USED)
- a. The minimum site area shall be 25,000 square feet.
 - b. The installation and use of an outside public address or bell system is prohibited.
 - c. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
 - d. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
 - e. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
 - f. Accessory automobile rental is permitted.
 - g. Parking of vehicles in landscaped areas is prohibited.

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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend the Town Center Development Standards Manual Permitted Uses – Table 1 to require a Special Use Permit for the approval of the Motor Vehicle Sales (Used) use as a standalone, primary use in the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed-Use – Town Center) Special Land Use Designations. This request includes modifications to the existing Conditional Uses section and introduces provisions for this use in the Special Use Permits section of the Development Uses chapter of the manual.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/04/06	The City Council adopted Ordinance #5860 which amended the Town Center Development Standards Manual to standardize various uses, including the car sale uses, with Title 19. The Planning Commission and staff recommended approval of the Text Amendment (TXT-13863) which was heard at the City Council as Bill Number 2006-53.

The Town Center Development Standards Manual establishes the list of permitted uses in the T-C (Town Center) District. In an effort to streamline the review of projects within the Town Center area, the uses allowed within the district were reviewed for their consistency with Title 19 in 2006. Among other changes, the review culminated in the revision and reorganization of the Town Center Development Standards Manual - Development Uses chapter. Necessary adjustments to the listed uses were made with the adoption of Ordinance #5860. Prior to that amendment the permitted car sale uses were listed as Auto Sales (New) and Auto Sales (Used, with new car sales). As a part of the changes made by Ordinance #5860, the permitted car sale uses listed in the Permitted Uses - Table 1 for the district, Auto Sales (New) and Auto Sales (Used, with new car sales), were changed to Motor Vehicle Sales (New) and Motor Vehicle Sales (Used).

The uses continued to be Conditional Uses within the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed Use – Town Center) special land use categories. The minimum requirement for the approval as a Conditional Use for Motor Vehicle Sales (New) remained the same as that for Auto Sales (New) and included provisions for the sale of used cars as a part of the new car sales dealership. The change of name in the permitted use table from Auto Sales (Used, with new car sales) to Motor Vehicle Sales (Used) did not completely change the listing within the Conditional Uses section of the manual as the intent was that used car sales would be in connection with new car sales. The revised Conditional Uses entry was titled Motor Vehicle Sales (Used, with new car sales) with the same conditions as previously listed for the Auto Sales (Used, with new car sales) use.

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ANALYSIS

Motor Vehicle Sales (Used) as a primary use has the potential to be incompatible with the Town Center concept and therefore like other such potentially incompatible uses should, were contemplated, require a special use permit. To that end, the Motor Vehicle Sales (Used) use, which allows a facility or area used primarily for the display and sale or leasing of used automobiles, motorcycles and motor scooters and can include service bays and auto body shops which are incidental and accessory to the sales use, should be listed in the Permitted Uses – Table 1 as requiring a Special Use Permit within the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed Use – Town Center) special land use categories. With the changes to the Motor Vehicle Sales (New) conditions that provide provisions for Motor Vehicle Sales (Used) in conjunction with a new car dealership, this change to the applicable Motor Vehicle Sales (Used) special land use categories would result in the deletion of the Conditional Uses entry for Motor Vehicle Sales (Used, with new car sales).

Further, the Special Use Permits section of the manual should be revised to include an entry for the Motor Vehicle Sales (Used) use to set the minimum requirements within the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed Use – Town Center) special land use categories as follows:

- a. The minimum site area shall be 25,000 square feet.
- b. The installation and use of an outside public address or bell system is prohibited.
- c. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
- d. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
- e. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
- f. Accessory automobile rental is permitted.
- g. Parking of vehicles in landscaped areas is prohibited.

The proposed amendment would clarify any existing ambiguity between the Permitted Uses – Table 1 and the Conditional Uses entry and provide clear standards for the allowance of Motor Vehicle Sales (Used) as a primary use. Further, by requiring a Special Use Permit within the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed Use – Town Center) special land use categories and adding the appropriate minimum requirements to the Special Use Permits section of the Manual, the applicability of the use is made more consistent with how development of this nature is handled elsewhere in the city.

The Special Use Permit process provides an opportunity to ensure a higher level of compatibility with neighboring development and the goals of the community; however, staff finds that allowing Motor Vehicle Sales (Used) as a primary use in the T-C (Town Center) District may not be consistent with the intent of the Town Center concept. Therefore, staff has no recommendation regarding the advancement of this amendment.

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FINDINGS

The proposed text amendment will achieve the following:

- Require a Special Use Permit for any Motor Vehicle Sales (Used) use proposed as a primary use within the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed Use – Town Center) special land use categories
- Introduce the minimum requirements for a Special Use Permit for a Motor Vehicle Sales (Used) to the Special Use Permits section of the manual

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Town Center Development Standards Manual – Development Uses: Permitted Uses – Table 1	<ul style="list-style-type: none"> • Motor Vehicle Sales (Used) use identified as a Conditional Use within the GC-TC (General Commercial – Town Center) special land use category 	<ul style="list-style-type: none"> • Motor Vehicle Sales (Used) use identified as requiring a Special Use Permit within the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed Use – Town Center) special land use categories
Town Center Development Standards Manual – Development Uses: Conditional Uses – Conditions	<ul style="list-style-type: none"> • Motor Vehicle Sales (New) conditions includes a provision for the sale of used car sales as part of a new car dealership • Conditional Standards provided for a Motor Vehicle Sales (Used, With New Car Sales), this listing does not quite line up with the Permitted Uses – Table 1 entry 	<ul style="list-style-type: none"> • Minor revision to used car sales lot provision to reference the Motor Vehicle Sales (Used) use • Motor Vehicle Sales (Used, With New Car Sales) entry deleted
Town Center Development Standards Manual – Development Uses: Special Use Permits – Minimum Requirements	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • Add minimum requirements for Motor Vehicle Sales (Used) use

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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